

PATENT APPLICATIONIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group
Art Unit: 2827

Attorney
Docket No.: TKA0029

Applicant: Hiroshi Kimura ✓

Invention: SEMICONDUCTOR DEVICE, ITS
MANUFACTURING METHOD AND
ELECTRODEPOSITION FRAME

Serial No: 09/837,022 ✓

Filed: April 18, 2001 ✓

Examiner: James M. Mitchell

Certificate Under 37 CFR 1.8(b)

I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office via facsimile on the date indicated below.

on December 17, 2002

Michael S. Gzybowski

#8
Election
Inventor
12/20/02

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Official Action mailed November 20, 2002, Applicant submits the following response.

In the Official Action, the Examiner has instituted a Restriction Requirement in which he has taken the position that the application contains claims directed to two patently distinct inventions.

Specifically, the Examiner has taken the position that Claims 1-4 and 9 (Group I) are directed to a device classified in Class 257, subclass 787, and that Claims 5-8 (Group II) are drawn to a method classified in Class 438, subclass 106.

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The Examiner takes the position that the inventions are distinct because the product as claimed can be made by another material and different process which does not include a removing step.

In the art of fabricating semiconductive devices, Applicant is unaware of semiconductive device structures in which the various layers are not removed during fabrication to properly align surface layers.

Accordingly, although the Examiner takes the position that the apparatus claims do not require a step of removing the metallic layers, Applicant feels that such a step as set forth in the disclosure is required and the Examiner has not cited any prior art references which support his position that such a removing step would not be needed.

Accordingly, Applicant traverse the Restriction Requirement.

Notwithstanding Applicant's traversal of the Restriction Requirement, Applicant realizes that in order to be fully responsive to the Restriction Requirement, he is required to elect one group of claims to be examined in the present application.

Accordingly, in order to be fully responsive to the Restriction Requirement, Applicant hereby elects to have Claims 5-8 (Group II) examined in the present application.


Notwithstanding Applicant's election, Applicant respectfully requests that the Examiner reconsider and withdraw the Restriction Requirement and examine all the claims in the present application.

Applicant notes that in order to fully search the appropriate art to examine the apparatus claims, the Examiner will have to also search the relevant processing technology and therefore there is no burden on the Examiner to examine all of the claims in the present application.

If upon consideration of the above, the Examiner should feel that there remains outstanding issues in the present application that could be resolved, the Examiner is invited to contact Applicant's patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 02-0385 and please credit any excess fees to such deposit account.

Respectfully submitted,



Michael S. Gzybowski
Reg. No. 32,816

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Name	Company	Fax No.	Phone No.
1. Examiner	USPTO	703-305-5408	703-308-3209

From: Michael S. Gzybowski**Date:** December 17, 2002
Re: 09/837,022**Our Ref.:** TKA0029**Comments:** Attached is a Response to Restriction Requirement which we are filing by facsimile on December 17, 2002 in the above-identified patent application.**Return To:** Pat Spychalski**Total number of pages, including cover letter:** 4**A hard copy of this transmission** will be sent by regular mail will be sent by overnight mail X will not be sent under separate cover

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